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C O N F I D E N T I A L SECTION 01 OF 03 TEL AVIV 002621

SIPDIS

DEPT FOR NEA/IPA
DEPT OF JUSTICE FOR BRUCE SWARTZ

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SUBJECT: ISRAELI MINISTER OF JUSTICE CONCERNED WITH
TERRORISM

Classified By: Ambassador Richard H. Jones. Reasons: 1.4 (b,d).

11. (C) SUMMARY: In a June 28 meeting with Attorney General Alberto Gonzales, Minister of Justice Haim Ramon encouraged the United States to take action at the United Nations regarding Khalid Misha'al, whom Israel believes is behind the kidnapping of an Israeli soldier at Kerem Shalom. Ramon also sought to draw parallels between the killing of Al-Zarqawi and Israel's practice of targeted killings, noting the constitutionality of targeted killings is currently a subject of debate in the Israeli Supreme Court. He urged the U.S. to take up the issue of universal jurisdiction with the European Union and address what Israel sees as a strategic legal war against Israel and other countries fighting terrorism. Gonzales praised recent U.S.-Israel coordination against global terrorist financing, noting the importance of testimony from the Israeli Security Agency in prosecuting the Salah case in Chicago and requesting future cooperation on the Holy Land Foundation case in Dallas. Gonzales also raised a range of non-terrorist-related issues with Israeli counterparts, seeking updates on Israel's anti-trafficking efforts, the protection of intellectual property rights, and requests made pursuant to the mutual legal assistance treaty. END SUMMARY.

Kerem Shalom Kidnapping

12. (C) Ramon strongly urged the United States to "lead the struggle" against Syria and Khalid Misha'al, whom the GOI believes to be the mastermind behind the kidnapping of an Israeli soldier near the Gaza border. Ramon compared Misha'al to Osama Bin Laden. Ramon said that Misha'al is the main obstacle to releasing the kidnapped soldier, and, given the infeasibility of another attempt by Israel to assassinate Misha'al, suggested that the United Nations might be the most appropriate forum for U.S.-led official action.

Targeted Killings: The Only Option

13. (C) Ramon sought to draw direct parallels between the death of Al-Zarqawi and Israel's policy of targeted killings. He defined the GOI policy as the targeting of a combatant terrorist in places where Israel does not have effective control. While the constitutionality of such killings is currently under debate in the Israeli Supreme Court, the GOI views them as its only option. According to Ramon, Israel carries out targeted killings almost exclusively in Gaza. Israel has only initiated one such action in the West Bank since 2002. Ramon expressed mock surprise that there was no international outcry against Al-Zarqawi's death, which the GOI also sees as a targeted killing, while Israel is constantly under scrutiny for similar practices.

14. (C) The Attorney General noted that the targeting of an enemy's military leadership on the battlefield in a time of war is permissible. However, Europe generally does not see the "war against terrorism" as a formal war, and would rather see the arrest, legal representation and prosecution of alleged terrorists. The Attorney General also clarified that U.S. practice is for the FBI to follow such procedures within the United States.

Universal Jurisdiction Unfairly Targeting the "Free World"

15. (C) Ramon expressed concern at the number of private arrest warrants initiated in European countries against Israeli citizens. He said such warrants are a threat to Israel, the United States, and a "free world" engaged in the fight against terrorism. The warrants are requested by Palestinian NGOs and other private organizations based in Europe, mainly in Belgium and England. In the case of England, a warrant can be issued even without British government involvement. Israel believes NGOs are targeting Israelis who have served in the West Bank and Gaza, and that efforts to resolve Israel's concerns with individual European governments have not yielded desired results. Ramon

encouraged the U.S. to apply pressure to the European Union on this matter. The Attorney General noted that the U.S. shares Israel's concerns on the matter of universal jurisdiction, but noted the current U.S. practice of addressing warrants on a case-by-case basis, and not at the EU level.

U.S.-Israel Legal Coordination and
Global Terrorist Financing

16. (C) The Attorney General thanked Ramon for allowing two Israeli Security Agency (ISA) agents to testify in the Muhammad Salah case earlier this month in Chicago. (Note: The judge ruled that statements Salah made to the agents would be admissible at Salah's October trial. End note.) The Attorney General asked the Government of Israel to consider a request for similar cooperation against the Holy Land Foundation in Dallas. Ramon reiterated his support in principle for such legal coordination, citing Israel's attempts to prosecute the Holy Land Foundation for funding terrorist activities. Ramon also suggested the need for further discussion, as well as reassurances for the safety of the GOI agents. In the case of Mr. Salah, who has already served two years in an Israeli prison, Ramon requested a meeting take place before witness preparation takes place in Israel in August.

Anti-Trafficking Update

17. (SBU) The Attorney General reminded the minister of Israel's Tier 2 Watch List rating, and expressed concern that Israel is "trending in the wrong direction" in its handling of trafficking issues. He specifically cited the lack of legislation to outlaw labor trafficking as contributing to this negative trend. Ramon expressed concern about trafficking, noting that the newly-formed government had just marshaled through the new Knesset a successful vote for continuance of the draft, comprehensive anti-trafficking bill that passed its first reading in the last Knesset. The bill will take a few weeks to be finalized, Ramon said, adding that he believes that Israel is on its way to minimizing, and indeed solving, the specific problem of trafficking of women. Ramon explained that the Knesset appointed a Ministry of Justice official, Rachel Gershuni -- recent recipient of a State Department "hero" award in recognition of her anti-trafficking efforts -- to serve as the GOI's official anti-trafficking coordinator, and to report to a special directors-general committee established in order to enhance cooperation and coordination among ministries. Ramon said that the directors general of five ministries will be represented on the special committee: Justice, Public Security, Foreign Affairs, the Prime Minister's Office, and Industry, Trade and Labor.

IPR and Mutual Legal Assistance Requests

18. (C) The Attorney General urged Ramon to make the fight against non-terrorist-related crime a priority, and to address specific areas of inadequate U.S.-Israel cooperation and information sharing, including intellectual property rights and requests made under the mutual legal assistance treaty. While acknowledging U.S. concerns regarding the global threat of IPR piracy, Ramon cited the inability of legislation to adapt quickly enough to the changing technology. "Technology is running, and we are hardly walking," said Ramon. He agreed with the Attorney General that the issue requires continued attention and said that Israel will try to adapt legislation to do more. The Attorney General urged the GOI to respond more promptly to the USG's non-terrorist-related requests under the Mutual Legal Assistance Treaty (MLAT). Ramon replied that this issue belongs to the police, who do not fall under the jurisdiction of the MOJ. He did commit, however, to look into the case of Alex Odeh, a member of the Arab-American Anti-Discrimination Committee, who was murdered 20 years ago in the United States. The responsible parties are believed to have fled to Israel. A Mutual Legal Assistance request has been submitted to the GOI, and the lack of response remains an issue of concern for the FBI.

19. (U) Attorney General Gonzales did not have an opportunity to clear this message before departing post.

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